

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L.
Madoff,

Plaintiff,

v.

FEDERICO CERETTI, *et al.*

Defendants.

Adv. Pro. No. 09-01161 (SMB)

**ORDER ISSUING A LETTER OF REQUEST
FOR SERVICE ABROAD OF JUDICIAL
OR EXTRAJUDICIAL DOCUMENTS IN CIVIL OR COMMERCIAL MATTERS**

On October 3, 2018, Plaintiff Irving H. Picard, the trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III (“SIPA”), substantively consolidated with the estate of Bernard L. Madoff, through the Trustee’s attorneys, Baker & Hostetler LLP, filed the Motion (the “Motion”) seeking entry of an order issuing the Letter of Request (as defined in the

Motion) to be transmitted, via the appropriate channels, to the applicable court in Bermuda to obtain the testimony of non-party, Mr. Craig Perry (“Perry”). ECF No. 372.

On October 9, 2018, Perry and HSBC Bank Bermuda Limited (together, “Respondents”) filed their Memorandum of Law in Opposition to Trustee’s Motion for a Letter of Request Pursuant to Hague Convention. ECF No. 374.

On October 23, 2018, the Trustee filed his Response in Further Support of Plaintiff’s Motion for the Issuance of Letter of Request. ECF No. 380.

On October 29, 2018, the Respondents filed their Supplemental Memorandum of Law in Further Support of HSBC Bank Bermuda and Craig Perry’s Opposition to Trustee’s Motion for a Letter of Request (ECF No. 384) and Declaration of Jessa DeGroote in Support of the Supplemental Memorandum of Law (ECF No. 383).

On October 31, 2018, a hearing on the Motion was held before the Court. ECF Nos. 378, 400.

On March 5, 2019, the Court issued the Memorandum Decision and Order Regarding Plaintiff’s Motion for the Issuance of a Letter of Request Concerning the Examination of Non-Party, Craig Perry (“Decision”) (ECF No. 405), which, in part, directed the Trustee to revise the Letter of Request consistent with the Decision.

On March 12, 2019, the Trustee submitted a revised, proposed Letter of Request to the Court.

Upon the Motion, it is hereby

ORDERED that the Motion is granted to the extent indicated in the Decision; and it is further

ORDERED that the revised Letter of Request, in the form of **Exhibit A** attached hereto, shall be signed and sealed by the Court for transmission to the appropriate judicial authority in Bermuda so that valid service of process may be effectuated upon Perry.

Dated: **March 14, 2019**
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE